

The State of Texas
Texas House of Representatives



HOUSE COMMITTEE ON ELECTIONS

LEO BERMAN
CHAIRMAN

DWAYNE BOHAC
VICE CHAIR

February 23, 2007

The Honorable Debbie Riddle
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Dear Representative Riddle:

The Committee on Elections will consider House Bill 101 in a Public Hearing on February 28, 2007 at 2:00 p.m. or upon final adjournment in Room E2.028.

Please let me know of any additional witnesses that you anticipate testifying on behalf of your bill. It would also be helpful to know if you anticipate any substitutes, amendments or supplemental information you would like to have distributed.

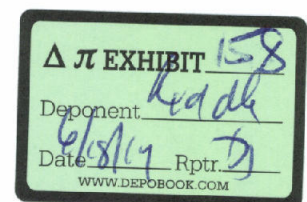
Enclosed is an agenda for the hearing. If you have any questions please contact me at 463-0772.

Thank you,

A handwritten signature in black ink, appearing to read "Patrick Dudley".

Patrick Dudley
Committee Clerk

Enclosure



MEMBERS: RAFAEL ANCHIA • LON BURNAM • KIRK ENGLAND, CBO • JOE FARIAS • CHARLIE HOWARD
P.O. Box 2910, AUSTIN, TEXAS 78768-2910 • ROOM E2.144 • (512) 463-0772

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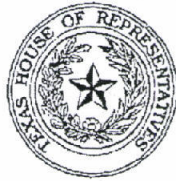
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COMMITTEE ON ELECTIONS

TEXAS HOUSE OF REPRESENTATIVES
P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910
CAPITOL EXTENSION E2.144 • (512) 463-0772

LEO BERMAN
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DWAYNE BOHAC
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AGENDA

February 28, 2007

2:00 pm or upon final adjournment/recess
Room E2.028, Capitol Extension

- I. Call to Order
- II. Chair Remarks
- III. Old Business

HB 186 by Hochberg

HB 647 by McCall

HB 862 by Aycock

HB 1071 by Aycock

HB 27 by Berman

IV. New Business

HB 1290 by Macias

HB 265 by Anchia

HB 266 by Anchia

HB 101 by Riddle

HB 218 by Brown

HB 626 by Phil King

IV. Announcements

V. Adjournment

MEMBERS:

KIRK ENGLAND • LON BURNAM • RAFAEL ANCHIA • JOE FARIAS • CHARLIE HOWARD

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HB 101 - VOTER ID BILL TALKING POINTS

HB 218 Betty Brown

HB 424 Phil King

My husband was chairman of the ballot security for Harris Co. Rep. Party and we both could tell some interesting stories.

- In 1989, the U.S. Supreme Court wrote that "A State indisputably has a compelling interest in pre-serving the integrity of its election process." This is the basic purpose behind HB 101: the attempt to protect every citizen's right to vote.

- If someone who is not allowed to vote casts one anyway, that vote cancels out the honest vote of another citizen, therefore denying them the right to have their vote count.

- Of course, throughout the process, it is important to make sure that no one is disenfranchised by the voting process. It may be slightly less convenient, but the power of your vote is worth protecting, and it is certainly worth taking 10 minutes to find the proper identification before you go vote.

There are those who have fought & died & continue to fight & die for our freedom to vote. It would be disrespectful to their courage & memory if we allowed our ballot boxes become compromised.

WHAT THE BILL DOES

- This bill does two things:
- First it requires that you must prove citizenship when you register to vote.

Ways to prove citizenship:

- providing a copy of a birth certificate.
- U.S. Citizenship papers.
- An unexpired U.S. passport issued to the applicant.

- Second, it says that in order to vote, you must submit one form of photo ID or two forms of non-photo ID

- Examples of acceptable Photo ID:
 - Driver's license (can even be from out-of-state if it's valid and unexpired).
 - Military ID
 - Employee ID card that has your picture on it.

*Paul Bettencourt
SSA George Washington*

- US Citizen's certificate that contains the person's photograph.
- Student ID with your picture on it.
- Concealed handgun license.
- State ID card with your picture on it.
- ID card issued by county clerk or elections officer with your picture on it.
- Or the commissioner's court of a county may authorize the issuance of a photo ID card to be used as a proof.

- Examples of acceptable NON Photo ID (show two forms of these):

- Official mail sent to you by a governmental entity.
 - Birth certificate.
 - Citizenship papers
 - Original copy of a marriage license or divorce decree
 - Court records of the person's adoption, name change, or even sex change (it happens!)
 - An ID card for public benefits from the state or Feds, i.e. veteran's benefits, Medicaid, Medicare, etc.
 - A temporary driving permit issued by DPS
 - An FAA pilot's license
 - A library card that has your name on it.
 - A hunting or fishing license
- The bill also mandates the DPS issue free photo IDs for those who sign an affidavit stating that they're indigent, if they're a registered to vote or they are eligible to be registered to vote.
 - If you don't have your ID, you can still submit a provisional ballot, and that ballot will be counted and confirmed if you provide the proper identification to the registrar within a 5-day period.

OTHER STATES WITH SIMILAR LAWS

- 19 states currently have laws requiring either a photo ID or non-photo ID to vote. Arizona is one of them.
- Two states, Florida and Indiana, have states mandating ONLY a photo ID.

- ✓ • Georgia and Missouri have both had their ID laws struck down.
- ✓ • Georgia's was because they charged for their ID, and that was an obvious oversight that we have corrected here in Texas.
- ✓ • Missouri's was struck down by the Missouri State Supreme court on a few different grounds, but all were generally because it was in violation on Missouri's constitution, and the circuit court agreed. But that's Missouri and their courts. What will happen in Texas could be decidedly different, because a ruling would be based on Texas court's ruling of Texas' constitution.
- Arizona's law was enjoined by the 9th Circuit Court of Appeals, but they issued no findings or reasoning and as a result, the U.S. Supreme Court vacated that ruling.
- The U.S. Supreme Court did not make any final decision on the issue but did seem to indicate that they felt like Arizona's law provided plenty of "outs" for those who did not have a photo ID. Our bill does the same thing.
- Our bill is patterned after Proposition 200 in Arizona.

~~The~~ Our good friend the former Representative
Mary Denny presented this bill last session
My bill ~~is is very much~~ replicates her
bill with the various amendments
she accepted.

~~In clos~~



Voter Fraud Prevention

Presented by:

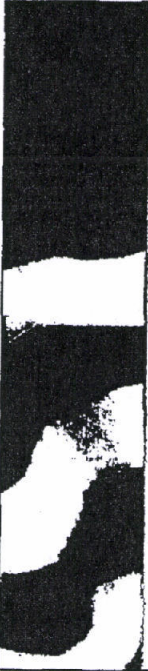
Paul Bettencourt

Harris County Tax Assessor – Collector & Voter Registrar

October 18, 2006

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"One fraudulent ballot is one too many for the integrity of the system and the confidence that the people have in the system."

Prof. Larry J. Sabato
expert on election fraud
in testimony before a U.S. Senate committee

"If Texas had been the swing state in the 2000 Presidential election, all eyes would have been on Harris County."

Paul Bettencourt
Harris County Tax Assessor-Collector
& Voter Registrar



What is an illegal vote?

A vote is illegal if cast by a person who:

- ✓ votes more than once in an election**
- ✓ has assumed the identity of another voter**
- ✓ is not registered to vote**
- ✓ is not a resident of the voting jurisdiction**
- ✓ is not a United States citizen**

Citizenship verification

- ✓ Citizenship guarantees the right to vote
- ✓ The federal government should provide a citizenship list for verification in all 50 states
 - ✓ *Easy to use list and ability to obtain photo I.D.*
 - ✓ *Government should supply photo I.D. at no cost*
 - ✓ *Multi-use I.D. like a driver's license could be used by election officials*
 - ✓ *Remember you can't get on an airplane without one! (photo I.D.)*

Technology is the key

- ✓ Cross check the 50 states' drivers licenses and check against social security and passport numbers and you're almost there.
- ✓ See a copy of my testimony before a Congressional Committee at a hearing this summer at www.hcvoter.net.



Better steps in place now to prevent voter fraud

- ✓ Compare all new voter registration applications against Texas drivers license database
- ✓ Statewide database reduces county duplications
- ✓ Identification required for first time registrants
- ✓ Continuing voter roll audits helps prevent voter fraud



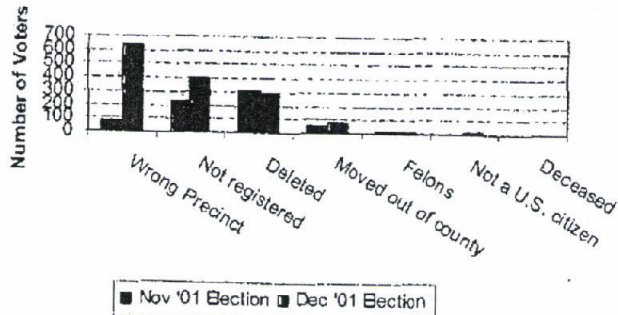
Why does illegal voting occur?

- ✓ Someone makes an honest mistake about the boundaries of the jurisdictions in which they live
- ✓ Someone thinks they should get to vote in any jurisdiction where they hold title to property or hold an opinion, regardless of where their residence is located
- ✓ Someone feels entitled to vote even if they don't register to vote including citizenship issues
- ✓ Someone thinks they are registered to vote but did not submit their voter registration application in a timely manner
- ✓ Other motives

City of Houston case study:

General Election, November 2001
Runoff Election, December 2001

Results of Harris County Poll Book Audit



Obvious Problems with Illegal Voting

May, 2002 Houston Chronicle

2,000 voted illegally in city polling

By STEVE BERNARD
Houston Chronicle

More than 2,000 people voted illegally in the last November election, and the Houston Chronicle found it. The paper, which has a circulation of 1.2 million, found that 2,000 people voted illegally in the city.

The paper's investigation found that 2,000 people voted illegally in the city. The paper's investigation found that 2,000 people voted illegally in the city.

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✓ Illegal votes may determine election outcome

✓ Illegal voters may face prosecution (Class C Misdemeanor)